

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 18TH OCTOBER, 2010**

CABINET

5th October, 2010

PRESENT - Councillor Williams (in the Chair); Councillors Copeland, Harker, Hughes, McEwan, D A Lyonette, A J Scott and Wallis. (8)

INVITEES – Councillor Barker. (1)

APOLOGIES – Councillors Dixon, Mrs. Scott and Swainston. (3)

ALSO IN ATTENDANCE – Councillors Francis and Mrs. Swift (2)

C66. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C67. REPRESENTATIONS – There were no representations made at the meeting from Members or members of the public.

C68. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 7 September, 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C69. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C70. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C71. KEY DECISIONS - (1) School Term Dates 2011/12 and 2012/13 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting that consideration be given to the school term dates and associated professional development arrangements for the academic years 2011/12 and 2012/13

RESOLVED – That the school term dates for the 2011/12 and 2012/13 academic years, as detailed in the appendices to the submitted report, be approved.

REASONS - To assist schools, parents and the Council in the planning process.

(2) North Eastern Purchasing Organisation Constitution - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to a revised Constitution and revised 'Shared Services' arrangements, for the North Eastern Purchasing Organisation (also previously circulated).

RESOLVED - (a) That the revised Constitution for the Joint Committee for the North Eastern Purchasing Organisation, as detailed in Appendix B, Schedule 2, to the submitted report, be approved.

(b) That revised 'Shared Services' Arrangement for the North Eastern Purchasing Organisation, as set out in Appendix B, be approved, and the Borough Solicitor be authorised to enter into the Arrangement.

(c) That the Cabinet Member with the Efficiency and Resources Portfolio and the Chair of the Resources Scrutiny Committee, be appointed to serve on the Joint Committee.

(d) That Council be requested to make any consequential changes to the Constitution to give effect to those revised arrangements.

REASONS - (a) The revised Constitution is required to reflect the more strategic role of the Joint Committee in the new North Eastern Purchasing Organisation.

(b) The revised 'Shared Services' Arrangements is required to reflect the changes that have been made to the arrangements for Collaborative Procurement within the North East.

C72. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW – Pursuant to Minute C34/Jul/10, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Government Ombudsman and indicating any points for particular attention since the preparation of the report to the meeting of Cabinet held on 13th July, 2010.

RESOLVED - That the report be noted.

REASON – (a) It is important that Members are aware of the outcome of complaints made to the Local Government Ombudsman in respect of the Council's activities.

(b) The contents of this report do not suggest that further action, other than detailed in the submitted report, is required.

C73. 'COVENANT OF MAYORS' - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking approval of Darlington's Sustainable Energy Action Plan (SEAP) (also previously circulated) for submission to the European Union, following this Council's commitment to producing a SEAP through the signing of the 'Covenant of Mayors' in February 2009.

RESOLVED – That the Sustainable Energy Action Plan (SEAP), as appended to the submitted report, be approved, for submission to the European Union.

REASON - (a) The Council is committed to producing a Sustainable Energy Action Plan by signing the Covenant of Mayors in February 2009.

(b) The Covenant of Mayors supports the delivery of the Darlington Climate Change Strategy and Action Plan.

(c) The Covenant of Mayors supports the national policy context and a commitment in the Climate Change Act to reduce CO2 emissions.

(d) The Covenant of Mayors will support progress against NI185, NI186 and NI187.

C74. REPRESENTATION ON OTHER BODIES 2010/11 – PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL) ADJUDICATION JOINT COMMITTEE - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to delegating functions under the Traffic Management Act to the Parking and Traffic Regulation Outside London (PATROL) Adjudication Joint Committee and to the appointment of a Member to that Joint Committee for the remainder of the 2010/11 Municipal Year.

RESOLVED - (a) That the Executive functions, in accordance with s81 of the Traffic Management Act 2004 and relevant regulations, be delegated to the Parking and Traffic Regulation Outside London (PATROL) Adjudication Joint Committee.

(b) That the Borough Solicitor be authorised to sign the agreement with the other local authorities to enable Darlington to join the Joint Committee.

(c) That the Cabinet Member with the Transport Portfolio be appointed to the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee for the Remainder of the 2010/11 Municipal Year, with the Cabinet Member with the Adult Services Portfolio as named substitute.

REASON – To enable the Council to be represented on the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee.

C75. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C77. WHITE PAPER ‘LIBERATING THE NHS’ RESPONSE TO CONSULTATION – With the prior approval of the Leader to the matter being treated as urgent, to enable this Council to respond to the consultation by the deadline, the Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the response to the White Paper ‘Liberating the NHS’ drafted by the Health and Well Being Scrutiny Committee and incorporating comments by responsible Directors.

In introducing the report, the Cabinet Member thanked the Chair of the Health and Well Being Scrutiny Committee on the work it had undertaken in preparing a response to the White Paper and the Chair of the Health and Well Being Scrutiny Committee addressed Cabinet on the work it had undertaken.

RESOLVED – That, subject to the deletion of the following from the second line of paragraph 9(b), the response to the White Paper ‘Liberating the NHS’, as detailed in paragraph 9 of the submitted report, be forwarded to the Department for Health, as this Council’s response :-

‘and believe that such arrangements can be helpful in changing health outcomes for the people of Darlington’

REASON – To enable this Council to respond to the White Paper.

C78. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

C79. (URGENT ITEM) WASTE MANAGEMENT COMPANY (EXCLUSION PARAGRAPH NO. 3) – With the prior approval of the Leader to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of specific arrangements that may become necessary in relation to Durham County Waste Management Company and seeking approval for an indemnity for the Director of Corporate Services to serve as a member of the Board.

RESOLVED – (a) That the changed position in relation to Durham Waste Management Company, as detailed in the submitted report, be noted.

(b) That the Director of Corporate Services be indemnified, as detailed in paragraph 8 of the submitted report, to serve as a member of the Board.

REASON – (a) To enable the Council to have full involvement in the proposals.

(b) To indemnify the Director of Corporate Services.

**DECISIONS DATED -
FRIDAY, 8TH OCTOBER, 2010**